



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

DEC 22 2010

Washington, DC 20226

www.atf.gov

903070:MJO

10-0077

555.141

5401

Mr. Brian Rushforth  
Manager, Airport Safety and Operations Division  
Office of Airports Safety and Standards, Federal Aviation Administration  
800 Independence Avenue, SW.  
Washington, D.C. 20591

Dear Mr. Rushforth:

This is in response to your e-mail dated December 10, 2010, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). You wanted clarification on ATF's explosives licensing and storage requirements for State and local municipal airports purchasing explosives for pest control and mitigation purposes.

The Federal Explosives Laws (Title 18, U.S.C., Chapter 40) and the implementing regulation at 27 CFR 555.141(a)(3) exempt from the provisions of 27 CFR, Part 555, "The transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or its political subdivision." This exemption extends to contractors and subcontractors who have a current and valid contract with a state or local municipality to conduct explosives operations.

Therefore, the distribution to and receipt of explosives by municipal airports or their explosives contractors and subcontractors are exempt from the explosives licensing requirements in 27 CFR 555, Subpart D—Licenses and Permits. However, States and their political subdivisions (e.g. municipal airports) must still comply with explosives storage regulations in 27 CFR 555, Subpart K—Storage.

We trust the foregoing has been responsive to your request. If you have additional questions, please contact the Explosives Industry Programs Branch at 202-648-7120.

Sincerely yours,

William J. Miller  
Chief, Explosives Industry  
Programs Branch